



DEPARTMENT OF PERSONNEL

209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
www.state.nv.us/personnel/

MEMO PERD #26/01
July 17, 2001

TO: Interested Parties
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the April 27, 2001, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on August 3, 2001.

JG:rb

Attachment

**PERSONNEL COMMISSION
MEETING MINUTES OF APRIL 27, 2001
LAS VEGAS, NEVADA**

**MEMO PERD # 26/01
July 17, 2001**

I. Call to Order

Chairman Manos called the meeting to order at 9:07 a.m., April 27, 2001, at the Department of Transportation, Room 314, 1263 South Stewart Street, Carson City, Nevada. Members present: Chairman Ted Manos, Commissioners Claudette Enus, Teo Gamboa, and James Skaggs. Member absent: Commissioner Victoria Riley. Also present were: Jeanne Greene and Carol Thomas from the Department of Personnel, and Sr. Deputy Attorney General Jim Spencer.

II. *Adoption of Agenda

Commissioner Enus' motion to adopt the agenda was seconded by Commissioner Gamboa and unanimously carried.

III. *Minutes of Previous Meeting

The minutes of the January 4, 2001, Personnel Commission meeting were approved by acclamation.

IV. *Classes Subject to Pre-Employment Screening for Controlled Substances
Division of Forestry, Department of Conservation and Natural Resources
Department of Human Resources
Department of Prisons

Commissioner Gamboa's motion to approve the classes subject to pre-employment screening for controlled substances was seconded by Commissioner Enus and unanimously carried.

V. *Prohibitions and Penalties
Department of Human Resources

Kareen Masters, Personnel Officer, Department of Human Resources, explained the proposed revision to Section D - Relations with Clients, Item No. 8, was to provide clarification of actions involving clients that are unacceptable. This includes a willful or reckless act of aggression towards a client regardless of whether the client sustains a physical or mental injury as a result of the act.

Commissioner Gamboa's motion to approve the revised language was seconded by Commissioner Skaggs and unanimously carried.

VI. *Regulation Changes to Nevada Administrative Code, Chapter 284

Section 1 - Definition of "holiday premium pay"

This is a new section to define "holiday premium pay" which means compensation at the rate of time and one-half for hours worked on a legal holiday, except those hours subject to overtime as provided in NRS 284.180.

Section 2 - NAC 284.526 Computation of payments for holidays.

This amendment provides that employees working more than eight hours on a holiday can receive holiday pay for hours worked on the legal holiday up to the number of hours established by an innovative work week agreement. Hours worked on a legal holiday that exceed the established work day or work week would be compensated at the rate of time and one-half.

Section 3 - NAC 284. 530 Compensation for working on holidays.

This amendment clarifies that an employee shall receive payment for the holiday as provided for in NAC 284.526 and either time and one-half holiday premium pay or time and one-half overtime for working on the holiday. An employee is not eligible for both time and one-half holiday premium pay and time and one-half overtime pay for the same hours worked on the holiday.

Carol Thomas, Chief, Technical Services Division, Department of Personnel, explained the change to Section 2 resolved an inequity brought to the department's attention by the Nevada Highway Patrol. Currently an employee called into work on his day off is paid less than an employee working on a holiday as part of his regular scheduled shift. The proposed change would ensure both received the same pay for working a holiday. Section 3 clarified current practice for holiday pay.

Commissioner Gamboa's motion to approve the amendments to Sections 1-3 was seconded by Commissioner Skaggs and unanimously carried.

Captain Larry Whitson, Nevada Highway Patrol, stated the regulations only dealt with the standard five 8-hour work days with holidays off. He explained that employees working other than an 8-hour day, such as Highway Patrol Troopers working four 10-hour work days, have to make up the difference when they have the day off by using either two hours of annual or compensatory leave or working an additional two hours during their regular scheduled work week in order to prevent leave without pay. He proposed the regulation be amended to compensate the full 10 hour shift.

Commissioner Skaggs stated that pay was based on an 8-hour shift. State employees have 11 paid holidays per year, or 88 hours. Captain Whitson's proposal allowed an employee working four 10-hour shifts to receive 110 hours paid holiday leave which was greatly over the amount of standard holiday pay.

Discussion continued regarding the reasons an employee working 10-hour shifts should be compensated an additional 22 hours per year for holiday pay.

Commissioner Enus explained the reason holiday pay was based on an 8-hour shift was that all employees should be created equal in terms of receiving the same entitlement. The option of an employee to work a 10-hour shift was relative to whether or not he supplemented his compensation with compensatory time, annual leave, or leave without pay for those two hours.

Gary Wolff, Business Agent, Nevada Highway Patrol Association, and representative for two local teamsters unions, understood holiday leave was based on an 8-hour shift with the exception of firefighters. However, the four 10-hour shifts were imposed on some troopers due to staffing levels, and those troopers should receive 10 hours holiday pay.

Carol Thomas, Chief, Technical Services Division, Department of Personnel, explained that an individual is required to work a 40-hour work week. When a holiday occurs, an employee who works a 10-hour shift has already worked 30 hours up to that point. The work week is augmented by contributing an additional two hours of annual or compensatory time, along with the eight hours of holiday pay in order to complete the 40-hour work week and PERS accrual.

Wally Tarantino, Legal Counsel, Nevada Highway Patrol Association, stated the concern was that the proposed change did not address the innovative work week of 10-12 hour days when a holiday fell on the employee's day off. He addressed the fact that a person who had to give up two hours of compensatory/annual leave per 11 holidays per year would, in effect, be giving up 5 ½ to 16 weeks of annual leave depending upon years of service. He hoped the proposal would draw attention to those employees who had to use their own vacation time in order to get paid for 40 hours. If an employee elected not to give up leave hours, they would suffer when it came to retirement.

Ms. Thomas explained that the employee whose regular day off fell on the same day as a holiday would be paid eight hours for the holiday in addition to having already worked his 40-hour work week. Mr. Wolff argued this was not always the case.

Jeanne Greene, Director, Department of Personnel indicated the department was opposed to the proposal, as was the Office of the Governor, citing reasons of inequity between employees of other various agencies. Governor Guinn, rather than giving a benefit to a small group of employees, desired to address the overall compensation and benefit plan for State employees as a whole.

Kathy Naumann, Business Agent, Teamsters Local 14, ascertained that many employees did not want to be required to give back annual/compensatory leave hours because those hours would allow them to spend additional time with sick family

members. It seemed to her the employees were being penalized and stated the regulations were outdated.

Chairman Manos voiced concern regarding having to make a determination on a proposal with so little time in which to consider it because of the repercussions and ramifications to other employees within the State. Jim Spencer, Sr. Deputy Attorney General, said if the Commission chose to deny the proposal it could be brought before them at a later date with all the necessary information to back it up.

There being no further discussion, Commissioner Skaggs' motion to deny the proposal at this time was seconded by Commissioner Enus and unanimously carried.

VII. *Classification

A. Department of Motor Vehicles & Public Safety, Parole & Probation Division
Parole & Probation Officer class series specification

Mary Day, Supervisory Personnel Analyst, Department of Personnel, stated the Division of Parole & Probation was experiencing difficulty in recruitment and the proposed changes would expand the applicant pool. Specifically, the change added a wider variety of relative Bachelor's degrees and expanded the types of experience considered for qualifying applicants without a degree. Obsolete duties were removed and language was changed to reflect the agency as a division rather than a department.

There being no further discussion, Commissioner Skaggs' motion to approve the revised class specification was seconded by Commissioner Enus and unanimously carried.

B. Department of Motor Vehicles & Public Safety, Highway Patrol Division
Appeal of Highway Patrol Major class specification

The Department of Motor Vehicles & Public Safety requested the minimum qualifications for Highway Patrol Major be revised to consider successful completion of training offered by the FBI National Academy, the Northwestern School of Police Staff & Command, or the Southern Police Institute as equivalent to one year of law enforcement experience as a Nevada Highway Patrol Captain.

Jeanne Greene, Director, Department of Personnel, explained there had been a public posting of the proposed changes which was being appealed. Several letters had been received from Highway Patrol employees who felt the proposed change allowed the promotion of a pre-determined individual.

Colonel Mike Hood, Highway Patrol Division, explained the proposed revision would provide a broader applicant pool for leadership positions, encouraged competition, and strengthened the organization through education. Colonel Hood asked the Commission to approve the change.

Mary Day, Supervisory Personnel Analyst, Department of Personnel, stated it was the position of the department that the equivalency statement was appropriate given the nature and complexity of the training provided. The curriculum was reviewed and several topics which would be of great benefit to command-level personnel had been identified.

The authors of the appeal letters were not present at the meeting and for the record, Colonel Hood wanted it known that he, in fact, had encouraged those opposed to the revision to draft letters to the Personnel Commission.

There being no further discussion, Commissioner Enus' motion to approve the revised class specification was seconded by Commissioner Skaggs and unanimously carried.

VIII. *Clerical & Related Services Occupational Group Study

A. Parole and Probation Caseworker series classification

Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained this new class series resulted from the Clerical & Related Services occupational group study. The Parole and Probation Caseworker series was developed to describe paraprofessional work performed by employees monitoring the activities of offenders residing outside Nevada. Caseworkers maintain ongoing contact with offenders on parole or probation, employers, landlords, victims, families and others to ensure the terms and conditions of the offender's probation are met. The duties associated do not require Peace Officer Standards & Training (P.O.S.T.) certification, but do go beyond clerical and support duties described in the Administrative Assistant series. She urged the Commission's approval.

There being no further discussion, Commissioner Skaggs motion to approve the new class series specification was seconded by Commissioner Gamboa and unanimously carried.

B. Administrative Assistant and Medical Records series classifications

Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained that at the October 4-5, 2000, Personnel Commission meeting, the Commissioners directed the Department of Personnel to conduct a thorough study of Medical Records Technician positions and others performing medical

records duties. The review included a study of various duties performed by individuals in processing medical records and a comparison of positions to each other and existing class specifications. Ms. Day stated a minor revision was made to the Administrative Assistant series specification in order to provide additional examples pertaining to medical records. In addition, the true intent of the class series for the Medical Records Director/Technician was clarified by updating the series concept and re-titling it to Health Information Director and Coordinator. Ms. Day asked the Commission to approve both of the revised class specifications.

LaQueta Armstrong, Director of Medical Records, Nevada Mental Health Institute (NMHI), stated she disagreed with the study results because the positions involved were technical not clerical. She felt two positions within their medical records department needed additional review and suggested that more input from the Medical Records Director and supervisors be used in revising the Medical Records class series. Additionally, she felt the position held by Evelyn Gilbert should be reallocated to a Health Information Coordinator II because her duties included administering, planning, delegating and enforcing, monitoring and providing services for the acute inpatient, psychiatric observatory and psychiatric ambulatory services, and outpatient services. Ms. Gilbert also processed 400-500 charts per day.

Chairman Manos commented the issue being discussed by Ms. Armstrong was not currently before the Commission. The Commission was to decide whether or not the revised class specifications should be approved, and that decision would not affect positions within those classes.

Shelley Blotter, Personnel Analyst, Department of Personnel, stated the change of titles and clarification of language within the specifications would affect those positions within various agencies that dealt with the storage, maintenance, retrieval and release of information for a comprehensive medical/clinical records system. Ms. Blotter indicated she consulted, at-length, with an individual who directs the only health information curriculum in the State of Nevada, as well as the Medical Records Directors from Southern Nevada Adult Mental Health Services, Washoe Medical, Saint Mary's, and Veterans' Administration Hospital. Positions previously allocated to Medical Records Director and Medical Records Coordinator would now be allocated to Health Information Director and Coordinator I or II. Positions allocated to the Medical Office Assistant class series, as well as numerous Program Assistants and Management Assistants handling medical records in a variety of different settings, would be allocated to the Administrative Assistant class series.

Chairman Manos indicated the concept of the Administrative Assistant series was to have fewer classifications to give the State the ability to better manage those positions. From his point of view, the changes to the specifications did

not affect the medical records staff at NMHI, and he urged Ms. Armstrong to submit an NPD-19 for Ms. Gilbert if a change in her position was required.

Kathy McCormick, Personnel Officer, Mental Health/Developmental Services, voiced her support for the revised specifications and stated using selective criteria on announcements during the recruitment process would address the special skills required for handling medical records.

There being no further discussion, Commissioner Skaggs' motion to approve the revised specifications was seconded by Commissioner Enus and unanimously carried.

I. *Classification Appeals

A. Patricia Stephens, Appeals Referee

Department of Employment, Training and Rehabilitation

Tom Donaldson, Attorney, Law Offices of Dyer, Lawrence, Cooney and Penrose, stated since the last revision to the class specification in 1987, there had been significant changes to Ms. Stephens' job duties, and the NPD-19 she submitted reflected those additional duties and responsibilities. New duties to her position included independent contractor tax liability issues (changed by NRS 612.245), policies and regulations regarding withholdings for child support, workers' compensation and disability issues, and an increase in caseload. Furthermore, the Model Code of Judicial Conduct, guidelines and rules to which Appeals Officers are subject, had been adopted since the 1987 revision of the class specifications and was not accounted for. Mr. Donaldson stated the duties and responsibilities of Appeals Referee, grade 36, were comparable to the duties performed by Administrative Law Judges, grade 40, to which Ms. Stephens was asking to be reclassified.

Patricia Stevens stated she was pursuing the reclassification request individually and on behalf of her colleagues who also signed and assisted in the preparation of the NPD-19. Although a group study had been conducted on the positions of Senior Appeals Referee, Appeals Referee and Chief Appeals Referee in 1987, the Department of Personnel had not upgraded the Appeals Referee classification since it was created in 1961. She contended that other positions within the State had been upgraded on a regular basis and Appeals Referee's are currently reviewing determinations made by individuals at higher pay grades. Since Appeals Referees were defined in the "Appeals Tribunal" in NRS 612, they should be upgraded to Administrative Law Judges. She articulated that the duties of the Appeals Referee included conducting thorough hearings, ruling on all evidence, reviewing case law, research, and issuing drafts.

Continuing, Ms. Stephens stated the degree of complexity and difficulty in cases had increased and Appeals Referees were required to be familiar with monetary calculation procedures and base period computations related to unemployment insurance; knowledge of societal issues, discrimination and sexual harassment laws; in addition to various policies, procedures, regulations, and statutes on a State and federal level. Ms. Stephens concluded there were valid considerations for a pay upgrade because of the additions to duties and the fact the class hadn't been upgraded in 40 years.

Ron Foster, Personnel Analyst, Department of Personnel, explained that out of fifteen other Appeals Referees, Ms. Stephens was the only employee appealing. Mr. Foster indicated that the Appeals Referee class had been upgraded in 1963 to a grade 28, to a grade 31 in 1965, and to a grade 36 in 1980. He clarified that Ms. Stephens had not described new duties to her position, rather, the new statutes and regulations only modified eligibility rules already established and did not create additional duties.

Mr. Foster indicated the NPD-19 was denied due to no significant change in duties and because those duties aligned more with the Appeals Referee class specification than Administrative Law Judge. At the time of the occupational group study conducted in 1986, Appeals Referees were responsible for conducting and scheduling hearings, reviewing files, issuing subpoenas, weighing evidence, performing law research, and issuing decisions. The NPD-19 filed in 1999 indicated the duties were similar to those in 1986. When comparing the duties of the Appeals Referees to Administrative Law Judges, Mr. Foster explained there was greater complexity involved in the scope of duties, consequence of error, matters heard, and decisions rendered by Administrative Law Judges. He explained there was currently an occupational group study being conducted on positions involved in the unemployment insurance claims process, it was important to examine the ways in which all the positions interrelate and align, and it was unfair to single out one position before the results of the occupational study have been determined.

Mr. Donaldson commented that the knowledge, skills and abilities addressed in Ms. Stephens' NPD-19 should also be considered in the decision, not just the duties performed.

Ms. Stephens added for the record, that the NPD-19 presented to the Commission was incomplete, and she reiterated the complexities and details involved in the cases and decisions of Appeals Referees. She felt it was inappropriate and inaccurate to assume Appeals Referees only dealt with unemployment insurance claims, when a broader knowledge and expertise of specific laws and details were required for the job.

MEMO PERD # 26/01

July 17, 2001

Page 9 of 9

There being no further discussion, Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Enus and unanimously carried.

II. Uncontested Classification Action Report

No vote required.

I. Selective Certification

No vote required.

I. Special Reports

The 2000 Salary and Benefits Survey was received by the Commission as presented by the Department of Personnel.

II. Comments by the General Public

None.

III. Select Date for Next Meeting

Next meeting set for August 3, 2001, in Las Vegas.

IV. *Adjournment

A motion to adjourn the meeting unanimously carried at 11:40 a.m.